

09/903,832

Patent
Attorney Docket No.: PD-201025
Customer No.: 29158

REMARKS

By this amendment, claims 1-36 are pending, in which claims 1, 10, 19 and 28 are currently amended. Care was exercised to avoid the introduction of new matter.

The Office Action mailed January 11, 2006 rejected claims 1-36 as obvious under 35 U.S.C. § 103 based on *Beras et al.* ("Fast Asymmetric Internet Over Wireless Satellite-Terrestrial Networks," MILCOM 97 Proceedings, Nov. 3-5, 1997, Annual Military Communications Conference) in view of *Takagi et al.* (EP 0 903 905 A) in further view of *Walrand (Communications Networks: A First Course, Boston: McGraw-Hill, 1998)*. Claims 1-36 were also rejected under 35 U.S.C. § 112, first paragraph. In addition, the pending claims 1-36 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter (under the CAN-SPAM Act of 2004). Further, claims 1, 10, 19 and 28 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Applicants acknowledge with appreciation the courtesy of an interview granted to Applicants' attorney on March 23, 2006 at which time the subject invention was explained in light of Applicants' disclosure, the outstanding issues were discussed, and arguments substantially as hereinafter developed were presented. During the interview, which was also attended by SPE Jason Cardone, Applicants' representative discussed the § 112, first paragraph rejection, in which Applicants' attorney explained the concept of local acknowledgement. Also, Applicants' attorney discussed the lack of legal and factual basis for the § 101 rejection in the context of the CAN-SPAM Act of 2004. The Examiner and his supervisor agreed that the rejections under § 112, first paragraph and § 101 are overcome. Further, Examiner Swearingen and SPE Jason Cardone provided suggestions for claim language to overcome the indefiniteness rejection.

In view of the claim amendment, the § 112 (per the interview of March 23, 2006), second paragraph rejection is overcome.

Independent claim 1 recites "wherein the data compression module applies different types of compression on the individual connections." Claims 10 and 28 recite "applying data compression on individual ones of the connections or the backbone connection using different types of compression on the individual connections." Claim 19 includes the features of "means for applying data

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09/903,832

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compression on individual ones of the connections or the backbone connection using different types of compression on the individual connections."

These features are absent from the applied art of *Baras*, *Takagi*, and *Walrand*, alone or in combination. Applicants respectfully assert that the arguments proffered in the prior Response is still applicable. Some of these arguments are reiterated here for the Examiner's convenience.

The Office Action, on page 4, acknowledges that *Baras* and *Takagi* fail to disclose use of data compression, and thus, relies on *Walrand* for a disclosure of "the foundations of data compression on a computer network." The Office Action also acknowledges that *Walrand* is "a generalized computer networking textbook." *Walrand* indeed, in general terms, discusses use of data compression, without grounding in the context of the claims. Namely, the claims specifically recite "wherein the data compression module applies different types of compression on the individual connections." This feature is not disclosed by *Walrand*.

Furthermore, the combination of *Baras* and *Warland* is impermissible, as it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). The *Baras* system operates by selectively dropping redundant acknowledgment packets (page 372). However, if the general teachings of *Warland* were applied, all connections including TCP connections would be compressed, thereby complicating the detection of the acknowledgment packets. Such detection would be more costly in terms of processing resource and delay, as the traffic would have to be decompressed before the contents can be determined. Accordingly, *Warland* teaches away the combination with *Baras*.

In view of the foregoing, Applicants respectfully urge the indication that independent claims 1, 10, 19 and 28 are allowable, along with claims 2-9, 11-18, 20-27 and 29-36 depending therefrom.

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09/903,832

Patent
Attorney Docket No.: PD-201025
Customer No.: 29158

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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